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10/758,662	01/15/2004	Joseph A. Cervantes	HSJ920030236US	5882

7590 02/19/2008  
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EXAMINER
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DALEY, CLIFTON G

ART UNIT	PAPER NUMBER
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2624

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02/19/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/758,662

Applicant(s)

CERVANTES ET AL.

Examiner

Clifton G. Daley

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 7 and 11-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7 and 11-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This action is Non-Final. Claims 1-5, 7 and 11-17 are currently pending.

Applicant's response received on 11/20/2007 is fully considered herein.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mangerson (US 6504138) in view of Han et al. (Hereinafter "Han": US Patent Application 2002/0051242).

**Regarding claim 1**, Mangerson teaches a self-contained character recognition system, comprising:

a housing configured for receiving at least one paper document (**Column 9, lines 45-50**);

a scanner in the housing outputting a digitized representation of information on the paper document (**Fig. 8, scanning element 210**);

a processor in the housing (**Fig. 1, processor 102**) and executing a character recognition module for converting the digitized representation into electronic text (**column 5, lines 49-51**); and

at least one storage device in the housing for storing the electronic text (**Fig. 1, medium 159**), wherein the processor automatically executes the character recognition module upon scanning a document and stores the electronic text in the storage medium, without the need for a user command, the system not having a user input device (**Column 8, lines 25-32, i.e. next action determined by software, without need for a user input**).

Mangerson does not explicitly disclose the storage device as a hard disk drive (HDD).

However, Han discloses a self-contained character recognition system wherein the electronic text scanned from a document is stored on a hard disk drive (**¶ 0041, lines 9-12**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Han's hard disk drive for Mangerson's storage device, the motivation being to provide high storage capacity to Mangerson's system.

**Regarding claim 4**, Mangerson combined with Han teaches the system of claim 1, wherein the HDD is removable from the housing (**Han: ¶ 0041, lines 9-12**).

**Regarding claim 5**, Mangerson combined with Han teaches the system of claim 1, further comprising an output bus on the housing for transferring data on the HDD to

an external computing device (**Han: ¶ 0047, lines 8-11 and ¶ 0109, lines 2-3, i.e. Ethernet).**

**Regarding claim 7**, Mangerson combined with Han teaches the system of claim 1, further comprising: at least one output device on the housing (**Han: Fig. 3, display 62).**

**Summary of Applicant's remarks:** Claim 1: has been modified to recite automatic execution of the character recognition module, storage using a hard disk drive, and excluding a user input device.

**Examiner's response:** Mangerson's system discloses most of the limitations of claim 1, including not having a user input device. That which is missing from Mangerson is taught by Han.

The original 102(b) rejections are withdrawn and alternate 103(a) rejections are provided above.

3. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Han in view of Shih et al. (Hereinafter "Shih": US 6405362).

Han teaches a self-contained character recognition system, comprising:  
a housing configured for receiving at least one paper document (**Fig. 6, 204**);  
a scanner in the housing outputting a digitized representation of information on the paper document (**Fig. 2, 40**);

a processor in the housing and executing a character recognition module (**e.g. OCR, ¶ 0073, lines 16-19**) for converting the digitized representation into electronic text (**¶ 0015, lines 13-16**); and

at least one hard disk drive (HDD) in the housing for storing the electronic text (**¶ 0041, lines 9-12**).

Han does not explicitly disclose the limitation wherein the system further comprises a HDD driver executable by the processor for communicating with the HDD.

However, Shih discloses a system comprising a HDD driver executable by the processor for communicating with the HDD (**column 2, lines 31-35**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a HDD driver for communicating with the HDD since this is the typical way to access a HDD (**Shih: column 2, lines 31-33**).

**Summary of Applicant's remarks:** Claim 2 has been rewritten in independent form and Zechleitner does not teach a driver for a hard disk drive.

**Examiner's response:** Zechleitner implies the use of a HDD driver, but does not explicitly teach it. However Shih explicitly teaches the use of a HDD driver.

The original rejection is withdrawn and an alternate 103(a) rejection is provided above.

4. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over Mangerson combined with Han as applied to claim 1 above, and further in view of Sasaki (US 5674012).

Mangerson combined with Han teaches the system of claim 1 wherein the HDD includes at least one data storage disk (**Han: ¶ 0041, lines 9-12**).

Mangerson combined with Han does not explicitly disclose the limitation wherein the HDD includes a HDD controller and at least one data storage disk.

However, Sasaki discloses a system wherein the HDD includes a HDD controller (**column 6, lines 36-39**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include Sasaki's HDD controller in the Mangerson/Han HDD in order to simplify control of the HDD by the processor.

5. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Han in view Sasaki.

Han teaches a portable scanner system, comprising:

A scanner in a housing for scanning text on paper documents (**Fig. 6, 200**);

a hard disk drive (HDD) in the housing (**¶ 0041, lines 9-12**); and

a processor interposed between the scanner and HDD within the housing to generate an electronic version of the paper text and store the electronic version on the HDD (**Fig. 5, 100, 102 and 104**).

Han does not explicitly disclose the limitation wherein the HDD includes a HDD controller and at least one data storage disk.

However, Sasaki discloses a system wherein the HDD includes a HDD controller and at least one storage disk (**column 6, lines 36-39**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include Sasaki's HDD controller in Han's HDD in order to simplify control of the HDD by the processor.

6. Claims 11 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Han in view Sasaki as applied to claim 13 above.

**Regarding claim 11**, Han combined with Sasaki teaches the system of claim 13, further comprising a character recognition module for converting the digitized representation into electronic text, the character recognition module being executable by the processor (**Han: ¶ 0073, lines 16-19**).

**Regarding claim 14**, Han combined with Sasaki teaches the system of claim 11, wherein the HDD is removable from the housing (**Han: ¶ 0041, lines 9-12**).

**Regarding claim 15**, Han combined with Sasaki teaches the system of claim 11, further comprising an output bus on the housing for transferring data on the HDD to an external computing device (**Han: ¶ 0047, lines 8-11 and ¶ 0109, lines 2-3**,

**Regarding claim 16**, Han combined with Sasaki teaches the system of claim 11 wherein the processor automatically executes the character recognition module upon scanning a document and stores the electronic version in the HDD without the need for a user command (**Han: ¶ 0073, lines 16-19, i.e. using OCR to convert text of document image to ASCII code, and Fig. 5, 102 and 104, i.e. ASCII code takes up much less space than the source image and is therefore compressed data 102**).



**Regarding claim 17**, Han combined with Sasaki teaches the system of claim 11, further comprising:

at least one input device engaged with the housing (**Han: Fig. 12, 234, i.e. +/- button**); and

at least one output device on the housing (**Han: Fig. 12, Display 263**).

7. **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Han combined with Sasaki as applied to claim 11 above, and further in view of Shih.

Han combined with Sasaki teaches the system of claim 11.

Han combined with Sasaki does not explicitly disclose the limitation wherein the system further comprises a HDD driver executable by the processor for communicating with the HDD.

However, Shih discloses a system comprising a HDD driver executable by the processor for communicating with the HDD (**column 2, lines 31-35**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a HDD driver for communicating with the HDD since this is the typical way to access a HDD (**Shih: column 2, lines 31-33**).

**Summary of Applicant's remarks:** Claim 13 has been rewritten in independent form and Zechleitner does not teach a driver for a HDD.

**Examiner's response:** Claim 13 does not recite a driver for a HDD. Claim 13 does recite a controller for a hard drive. Zechleitner implies the use of a HDD controller, but does not explicitly teach it. However Sasaki explicitly teaches the use of a HDD

controller. Claim 12 recites a driver for a HDD. Zechleitner implies the use of a HDD driver, but does not explicitly teach it. However Shih explicitly teaches the use of a HDD driver.

The original rejections are withdrawn and alternate 103(a) rejections are provided above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clifton G. Daley whose telephone number is 571-270-3144. The examiner can normally be reached on Monday - Friday 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached on 571-272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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2/12/2008



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